



Council Ad-Hoc Committee on a More Open Government

CONSENT CALENDAR
February 23, 2016

To: Honorable Mayor and Members of the City Council
From: Council Ad-Hoc Committee on a More Open Government
Subject: Amending the Berkeley Municipal Code Chapter 3.80 to Prohibit City Employees from Serving on Boards and Commissions

RECOMMENDATION

Adopt first reading of an Ordinance amending the Berkeley Municipal Code, Chapter 3.80 to read as follows:

Section 1. That the title of Chapter 3.80 of the Berkeley Municipal Code be amended to read as follows:

Abrogating common law doctrine of the incompatible public offices with respect to membership on two or more City boards or commission **and prohibiting City employees from being appointed to or sitting on boards and commissions**

Section 2. That a new Section 3.80.030 be added to the Berkeley Municipal Code to read as follows:

3.80.030 City Employees sitting on boards and commission prohibited

Except as provided in the City Charter, City employees and officers, including elected officials, may not be appointed to, and are prohibited from serving on, non-elected Boards and Commissions in the City of Berkeley.

Section 3. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of the Council Chamber, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of the Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation

BACKGROUND:

On April 7, 2015 the Mayor appointed Councilmembers Jesse Arreguin, Lori Droste, Laurie Capitelli and Susan Wengraf to serve as an ad-hoc committee to consider recommendations for more open government and report back to the Council in less than a year. After several meetings and discussions it was agreed that in order to have a more ethical, fair and open government, the makeup of volunteer boards and commissions is important. Since the intention of City boards and commissions is to

allow citizens to provide input into city governance, policy and implementation, positions on these panels should include as many private citizens as possible. The proper operation of municipal government requires all boards and commission members to remain independent, impartial and responsible to the public. Currently, the City of Berkeley has no regulation in place prohibiting Municipal employees from serving on Boards and Commissions. In order to avoid the appearance of any conflict of interest, and to insure that the public interest is their primary focus, the ad-hoc committee is recommending that the City Council amend the BMC regulations to prohibit city employees from serving on Boards and Commissions. Several other cities in the state of California have adopted similar ordinances.

ENVIRONMENTAL SUSTAINABILITY

None

CONTACT PERSON

Councilmember Susan Wengraf Council District 6 510-981-7160
Ad-Hoc Committee on Open Government

Attachment:

1 Ordinance

ORDINANCE NO. #,###-N.S.

PROHIBITING CITY EMPLOYEES FROM SITTING ON BOARDS AND COMMISSIONS; AMENDING BERKELEY MUNICIPAL CODE CHAPTER 3.80

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That the title of Chapter 3.80 of the Berkeley Municipal Code is amended to read as follows:

ABROGATING COMMON LAW DOCTRINE OF INCOMPATIBLE PUBLIC OFFICES WITH RESPECT TO MEMBERSHIP ON TWO OR MORE CITY BOARDS OR COMMISSIONS AND PROHIBITING CITY EMPLOYEES FROM BEING APPOINTED TO OR SITTING ON BOARDS AND COMMISSIONS

Section 2. That a new Section 3.80.030 is added to the Berkeley Municipal Code to read as follows:

3.80.030 City employees sitting on boards and commissions prohibited

Except as provided in the City Charter, City employees and officers, including elected officials, may not be appointed to, and are prohibited from serving on, non-elected Boards and Commissions in the City of Berkeley.

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